

**South Dakota Board of Medical and Osteopathic Examiners  
BOARD MEETING AND PUBLIC RULES HEARING**

Thursday, December 3, 2015  
9:00 am (central time)/8:00 am (mountain time)

To participate by:

DDN Sites: Pierre: CAP A, 500 E. Capitol, Pierre, SD 57501

Rapid City: Rapid City University Center, Room 113, 4300 Cheyenne Blvd. Rapid City, SD

In person: Board Conference Room, 101 N. Main Ave., Suite 215 (on 2<sup>nd</sup> floor), Sioux Falls, SD

Approved Minutes

**South Dakota Board of Medical and Osteopathic Examiners Public Meeting and  
Public Rules Hearing- 9:00 am (CT) Thursday, December 3, 2015**

**Boards Members Present:** Kevin Bjordahl, MD; Ms. Deb Bowman, Laurie Landeen, MD;  
Brent Lindbloom, DO; Mr. David Lust; Jeffrey Murray, MD

**Boards Members Absent:** Walter Carlson, MD; Mary Carpenter, MD; David Erickson, MD

**Board Staff Present:** Margaret Hansen, PA-C; Mr. Tyler Klatt; Ms. Jane Phalen; Ms. Misty Rallis

**Board Counsel:** Steven Blair

**Staff Counsel:** William Golden

**Attendees:** Timothy Engel, attorney, South Dakota State Medical Association (SDSMA)  
Mark East, South Dakota State Medical Association (SDSMA)  
Jen Porter, South Dakota Association of Healthcare Organizations (SDAHO)  
John Hult, Argus Leader

1. Dr. Kevin Bjordahl, vice president of the Board, called the meeting to order at 9:00 am. Roll was called and a quorum was confirmed. A motion: to approve the agenda was ratified by roll call vote (Murray/unanimous).
2. The scheduled Public Hearing on Administrative Rule ARSD Chapter 20:78:06: Opioid Overdose Prevention was called to order at 9:00 am by Mr. Steven Blair. The proposed administrative rule was introduced by Mr. Tyler Klatt. Written comments from Dr. Timothy Ridgway, president of the SDSMA, were presented and accepted into the record. Mr. Blair called for testimony from proponents of the proposed rule, but no testimony was offered. Mr. Blair called for testimony opposing the proposed rule. Attorney Timothy Engel, on behalf of the SDSMA, and Mr. Mark East, on behalf of the SDSMA, presented testimony in opposition to the proposed rule which was accepted into the record. Mr. Engel stated that their testimony on behalf of the SDSMA was not to be characterized as opposition, but instead as a request for clarification, information, and to provide suggestions to improve the rule. Staff then presented responses and clarification for Mr. Engel and Mr. East, and this information was accepted into the record. Discussion was held resulting in the following amendments to the proposed administrative rule:
  - i. ARSD 20:78:06:01(3): amend the language as follows: "Protocols, a standardized plan for medical procedures or administration of ~~medications~~ nasal or auto-injector medication;"
  - ii. ARSD 20:78:06:02: add as follows:
    1. (5) Opioid antagonist duration
    2. (6) The protocols and procedures for monitoring the suspected overdose victim and re-administration of opioid antagonist if necessary for the safety and security of the suspected overdose victim

- iii. ARSD 20:78:06:03(2): amend the language as follows: “Shall specify the method of opioid antagonist administration that is compatible with the education and training of the person administering the antagonist;”

A motion: to approve ARSD 20:78:06 as amended was ratified by roll call vote (Landeen/unanimous).

A motion: to close the public hearing on administrative rules was ratified by roll call vote (Landeen/unanimous).

3. A motion: to amend the minutes of the September 10, 2015, Board meeting to clarify that Dr. Landeen was not present at the meeting because she recused herself due to a conflict of interest, and to approve the minutes as amended was ratified by roll call vote (Bowman/unanimous).
4. A motion: to approve the new licenses, permits, certificates and registrations issued between September 1, 2015, through November 30, 2015, was ratified by roll call vote (Bowman/unanimous).
5. Discussion was held regarding the whitepaper presented by the SDSMA on Opiate Analgesics for Chronic Non-Cancer Pain, and the SDSMA draft of guidelines for documentation in the medical record when prescribing controlled substances for the treatment of chronic, non-cancer pain. A motion: to direct staff to draft a proposed administrative rule for medical record documentation when prescribing controlled substances for the treatment of pain was ratified by roll call vote (Lust/unanimous).
6. A motion: to direct staff to begin the legislative process to open Chapter 36-4 to request authority for the Board to provide education was ratified by roll call vote (Landeen/unanimous). A motion: to accept the financial report for information was ratified by roll call vote (Landeen/unanimous).
7. The Board reviewed the final version of the FY 2015 Annual Report. When discussing the draft FY2015 annual report, the board instructed the final report be made available electronically via websites for all licensees, the Governor, Department of Health, the professional associations, and healthcare systems. A motion: to amend the final version of the FY 2015 Annual Report, and accept as amended was ratified by roll call vote (Bowman/unanimous).
8. A motion: to approve the re-appointment of Louise Papka, PA-C to the physician assistant advisory committee was ratified by roll call vote (Bowman/unanimous).  
  
A motion: to approve the appointment of Mariah Weber, LN, to the licensed nutritionist advisory committee was ratified by roll call vote (Landeen/unanimous).  
  
The reports of the advisory committee meetings were presented by Mr. Klatt and were accepted for information.
9. The executive director report was accepted for information. presented the final version of the Annual Report FY 2015, and informed the Board that this report is sent to the Office of the Governor and the Department of Health, and posted on the Board’s website. The report was accepted for information, and the Board instructed staff to distribute the report electronically to all licensees, hospital systems, associations for all the groups regulated by the Board, and any other interested stakeholders.
10. Dr. Roy Mortinsen and Paramedic Matthew Callahan from the Vermillion/Clay County Emergency Medical Service submitted a Petition requesting authorization for their Advanced EMTs to perform additional procedures after satisfactory completion of Board approved education and training provided by their physician medical director for the administration of the following:
  - a. Use intraosseous (IO) devices for adult therapy after failed intravenous attempts
  - b. Use positive pressure ventilator (CPAP)
  - c. Administration of the following medications:
    - Amended: Flumazenil (IV) for acute benzodiazepine overdoses
    - Diphenhydramine (IV) for allergic reactions and long rural travel times
    - Zofran (PO and IV) for nausea and vomiting
    - Epinephrine 1:10,000 (IV/IO) for cardiac arrest as directed by ACLS protocolsA motion: to approve the amended petition was ratified by roll call vote (Murray/unanimous).

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11. Mr. Klatt presented draft language for the following proposed administrative rules:

a. Chapter 20:47, Section 20:47:03:13: Locum tenens certificate:

The Board amended the language to state: *A locum tenens certificate holder may extend the initial sixty day locum tenens certificate an additional sixty days if the certificate holder ~~is in the process of applying~~ has submitted an application for a full license as described in SDCL 36-4-11. The certificate holder shall be responsible for notifying the Board in writing to extend the initial certificate.* A motion: to approve the amended rule was ratified by roll call vote (Bowman/unanimous).

b. Article 20:63, Chapter 20:63:01: Athletic Trainers General Provisions:

The Board amended the language of 20:63:01 to spell out BOC (Board of Certification) when it appears in the rules. A motion: to approve the amended rule was ratified by roll call vote (Bowman/unanimous).

c. Article 20:64, Chapter 20-64-02: Occupational Therapy Licensure Requirements. A motion: to approve the rule was ratified by roll call vote (Bowman/unanimous).

d. Article 20:83, Chapter 20:83:04: Nutrition and Dietetics Continuing Education. The Board amended the language of 20:83:04:01 to state: *To qualify for renewal of a license upon its expiration as prescribed in SDCL 36-10B-9, an applicant for renewal must complete at least fifteen hours of continuing education annually or ~~accumulation of a total of seventy five hours of continuing education during a five year period~~ maintain current registration by the Commission of Dietetic Registration.* A motion: to approve the amended rule was ratified by roll call vote (Bowman/unanimous).

12. A motion: to direct staff to draft language similar to the North Dakota administrative rule for physician/physician assistant supervision requirements between spouses, and present it to the Board at the next meeting was ratified by roll call vote (Bowman/unanimous).

13. Public Hearings:

- a. Colin J. Boone, applicant for paramedic student status. A motion: to adopt the Findings of Fact, Conclusions of Law and ALJ recommendation and deny the application for student status was ratified by roll call vote (Bowman/unanimous). Dr. Landeen, the Board member in this case, did not participate in the discussion or deliberation, and recused herself from the vote.
- b. Matthew P. Gildeleon, EMT I/85. A motion: to approve the Board's findings that Mr. Gildeleon was notified that his license was placed under investigation, that he was notified of the renewal period for his license, that he was notified that if he did not renew his license it could be deemed as withdrawn under investigation, that Mr. Gildeleon failed to respond to the notifications and failed to renew his license, that his license expired due to non-renewal, and that his license is deemed withdrawn under investigation was ratified by roll call vote (Bowman/unanimous).

14. Confidential Physician Hearings (Closed session pursuant to SDCL 36-4-31.5 unless privilege is waived by physician).
  - a. Bradley J. Goad, DO. A motion: to approve the Consent Agreement with Reprimand and the temporary approval order was ratified by roll call vote (Murray/unanimous). Dr. Lindbloom, the Board member in this case, did not participate in the discussion or deliberation, and recused himself from the vote.
  - b. James H. Price, DO. A motion: to approve the Consent Agreement with Reprimand and the temporary approval order was ratified by roll call vote (Murray/unanimous). Dr. Bjordahl, the Board member in this case, did not participate in the discussion or deliberation, and recused himself from the vote.
  - c. Claude W.E. Zeifman, MD. The staff requested a continuance in this matter. A motion: to approve a continuance was ratified by roll call vote (Murray/unanimous).
15. A motion: to accept the complaint and investigation docket and the standards of competency docket for information was ratified by roll call vote (Bowman/unanimous).
16. A motion: to enter executive session pursuant to SDCL 1-25-2(3) to consult with legal counsel was ratified by roll call vote (Bowman/unanimous).
17. The public meeting resumed. A motion: to direct the staff to proceed with the repeal of ARSD 20:52:01:03:02 was ratified by roll call vote (Bowman/unanimous).

There being no further business the meeting adjourned at 2:00 pm.